

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

DORSEY J. REIRDON,

Plaintiff,

v.

XTO ENERGY INC.,

Defendant.

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Case No. 6:16-cv-00087-KEW

MOTION FOR ORDER AUTHORIZING REFUND TO DEFENDANT

Pursuant to the Stipulation and Agreement of Settlement (the “Settlement Agreement”) (Dkt. No. 76-1), Class Representative, Dorsey J. Reirdon (“Class Representative”),¹ on behalf of himself and all others similarly situated, files this his Motion for Order Authorizing Refund to Defendant and would respectfully show the Court as follows:

1. Pursuant to the terms of the Settlement Agreement, Defendant deposited \$20,000,000.00, the Gross Settlement Fund, into the Escrow Account. Also pursuant to the terms of the Settlement Agreement, Defendant deposited \$750,000.00 into a separate account for Administration, Notice, and Distribution Costs. Dkt. 76-1 at ¶1.1

2. On January 29, 2018, the Court issued Orders Awarding Attorneys’ Fees, Reimbursement of Litigation Expenses, and a Case Contribution Award (Dkt. Nos. 124-26), which approved the following:

- a. A Case Contribution Award to Class Representative of \$30,000.00;
- b. Reimbursement of past Litigation Expenses to Class Counsel in the amount

¹ All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Settlement Agreement.

of \$223,056.78;

c. Reimbursement of future Litigation Expenses Class Counsel incurs above \$223,056.78, but not exceeding the noticed total amount of \$300,000, upon 14 days' written notice to the Court; and

d. Attorneys' Fees to Class Counsel of \$8,000,000.

3. In accordance with the Settlement Agreement, the Escrow Agreement, and the above Orders, the Escrow Agent distributed the foregoing amounts from the Escrow Account to Class Representative and Class Counsel.

4. On January 29, 2018, the Court entered its Order and Judgment Granting Final Approval of Class Action Settlement (Dkt. No. 122), which ordered that any amounts attributable to Class Members who timely and properly submitted Requests for Exclusion be refunded to Defendant in accordance with paragraph 6.4 of the Settlement Agreement. The amounts attributable to such Class Members was \$115,925.92. The Escrow Agent distributed such amount to Defendant pursuant to the Court's Order and the Settlement Agreement.

5. Following the foregoing Court-approved distributions and reserving \$76,943.36 in the Escrow Account for potential future Litigation Expenses, the Net Settlement Fund available for distribution to Class Members equaled \$11,597,373.13. That amount was transferred to the Settlement Administrator for distribution to Class Members.

6. On June 8, 2018, Class Representative filed his Amended Motion for Approval of Final Plan of Allocation Order. Dkt. No. 140. On June 12, 2018, the Court entered its Final Plan of Allocation Order, which instructed the Settlement Administrator to distribute the Net Settlement Fund to Class Members in accordance with Exhibit 2 to Class Representative's Amended Motion for Approval of Final Plan of Allocation. Dkt. No. 141.

7. Thereafter, the Settlement Administrator, together with Class Counsel and their agents, have worked diligently to locate as many Class Members as possible, to update their information as necessary, to calculate Class Members' interests consistent with the Settlement Agreement, and to distribute settlement payments to them. Following those efforts, the amount remaining in the distribution account with the Settlement Administrator totals \$450,513.24. The balance remaining in the Escrow Account is \$28,917.83. The balance remaining in the Administration Account is \$437,291.80. The total of these three accounts is \$916,722.87.

8. Pursuant to Paragraph 6.16 of the Settlement Agreement, Class Representative hereby requests the Court approve a refund to Defendant in the amount of \$916,722.87.

A proposed Order is being submitted concurrently herewith.

DATED: October 31, 2023.

Respectfully submitted,

/s/ Bradley E. Beckworth

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I hereby certify that on multiple occasions from October 2022 through the date of this filing, Plaintiff's counsel contacted Defendant's counsel regarding this Motion for Order Authorizing Refund to Defendant. However, Defendant's counsel never informed Plaintiff's counsel whether Defendant opposed the relief requested by the Motion.

DATED: October 31, 2023.

/s/ Susan Whatley

Susan Whatley

CERTIFICATE OF SERVICE

I hereby certify that I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send email notification of such filing to all registered parties.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: October 31, 2023.

/s/ Bradley E. Beckworth

Bradley E. Beckworth